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EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,715	Applicant(s) NICOLAISEN ET AL.	
	Examiner Nelson D. Hernandez	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53 and 54 is/are allowed.
- 6) ☒ Claim(s) 33, 50-52, 55 and 58 is/are rejected.
- 7) ☐ Claim(s) 34-49, 56, 57 and 59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges amendments made on the claims filed on July 11, 2005.

Claims 1-32 have been cancelled and **claims 33-59** have been newly added.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Response to Arguments

3. In page 9 of the Applicant's remarks filed July 11, 2005, the applicant indicates that the newly submitted claims 33, 53, 55 and 58 have been written including subject matter of claim 8, which was indicated to have allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims in the previous Office Action. However, claim 8 was dependent upon claim 7, and the subject matter of claim 7 was not found in the newly submitted claims 33, 53, 55 and 58. Therefore, the newly submitted claims do not comply with the Allowable subject matter as indicated in the previous Office Action.

Claim Objections

4. **Claim 50** is objected to because of the following informalities: in line 2, "camera controllable" should be changed to "camera is controllable". Appropriate correction is required.
5. **Claim 52** is objected to because of the following informalities: Claim 52 recites "A communication terminal according to claim 52..." Is claim 52 meant to be dependent upon claim 51? For examining purposes claim 52 will be read as dependent upon claim 51. Appropriate correction is required.
6. **Claim 54** is objected to because of the following informalities: Claim 54 should be dependent on claim 53. For examining purposes claim 54 will be read as dependent upon claim 53. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 33, 55 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 in view of Ohishi, US Patent 5,634,145.**

Regarding claim 33, Britz discloses a communication terminal (Figs. 1 and 2) provided with a camera (Figs. 1: 115 and 2: 115) and a motor (Fig. 9: 901 and 902; fig.

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10: 1001) wherein said motor is used to control the camera in said communication terminal (Col. 2, lines 9-39; col. 4, lines 37-57). Britz does not explicitly disclose the motor driving a vibrator, and that said motor includes a shaft on which is mounted an eccentric body comprising the vibrator, which rotates to create vibrations to control the camera.

However, Ohishi discloses a camera (See fig. 1) comprising a vibrator (Fig. 1: 18) driven by a motor wherein said vibrator is used to control the camera in said communication terminal and the motor includes a shaft (See motor in fig. 1: 18) on which is mounted an eccentric body comprising the vibrator which rotates to create vibrations to control the camera (Col. 8, line 53 – col. 9, line 17; col. 9, line 62 – col. 10, line 14; col. 13, lines 25-51; col. 15, lines 10-58; col. 18, line 8 – col. 19, line 28).

Therefore, taking the combined teaching of Britz in view of Ohishi as a whole it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal in Britz by having the motor having a shaft on which is mounted an eccentric body comprising the vibrator for creating vibrations to control the camera. The motivation to do so would have been to allow the camera in the communication terminal to perform precise blur correction as suggested by Ohishi (Col. 2, line 31 – col. 3, line 21).

Regarding claim 55, Britz discloses a method of enabling a user of a communication terminal (Figs. 1 and 2) provided with a camera (Figs. 1: 115 and 2: 115), to control the operation of said camera, wherein said communication terminal is provided with a motor (Fig. 9: 901 and 902; fig. 10: 1001) that said user uses to take

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multiple pictures (the user is can take a plurality of images using the camera) with said camera (Col. 2, lines 9-39; col. 4, lines 37-57).

Britz fails to teach that the motor drives a vibrator and that the motor includes a shaft on which is mounted an eccentric body comprising the vibrator which is rotated to create vibrations to control the camera.

However, Ohishi discloses a camera (See fig. 1) comprising a vibrator (Fig. 1: 18) driven by a motor wherein said vibrator is used to control the camera in said communication terminal and the motor includes a shaft (See motor in fig. 1: 18) on which is mounted an eccentric body comprising the vibrator which rotates to create vibrations to control the camera (Col. 8, line 53 – col. 9, line 17; col. 9, line 62 – col. 10, line 14; col. 13, lines 25-51; col. 15, lines 10-58; col. 18, line 8 – col. 19, line 28).

Therefore, taking the combined teaching of Britz in view of Ohishi as a whole it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal in Britz by having the motor having a shaft on which is mounted an eccentric body comprising the vibrator for producing vibrations to the camera. The motivation to do so would have been to allow the camera in the communication terminal to perform precise blur correction by vibrating the camera as suggested by Ohishi (Col. 2, line 31 – col. 3, line 21).

Regarding claim 58, Britz discloses a communication terminal (Figs. 1 and 2) provided with a camera (Figs. 1: 115 and 2: 115) and a motor (Fig. 9: 901 and 902; fig. 10: 1001) wherein said motor is used to control the camera in said communication terminal (Col. 2, lines 9-39; col. 4, lines 37-57).

Britz fails to teach controlling a camera protection, that the motor is used to move said camera protection between two positions, that the motor drives a vibrator and that said motor includes a shaft on which is mounted an eccentric body comprising the vibrator, which is rotated to create vibrations.

However, Ohishi discloses a camera (See fig. 1) comprising a vibrator (Fig. 1: 18) driven by a motor wherein said vibrator is used to control the camera in said communication terminal and the motor includes a shaft (See motor in fig. 1: 18) on which is mounted an eccentric body comprising the vibrator which rotates to protect the camera against vibrations to avoid blurring, wherein the vibrator moves in two different positions (X and Y directions) to coincide with the externally applied vibration to the camera (Col. 8, line 53 – col. 9, line 17; col. 9, line 62 – col. 10, line 14; col. 10, line 40 – col. 14, line 5; col. 15, lines 10-58; col. 18, line 8 – col. 19, line 28).

Therefore, taking the combined teaching of Britz in view of Ohishi as a whole it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal in Britz by having the motor having a shaft on which is mounted an eccentric body comprising the vibrator for producing vibrations to the camera in to different position to perform protection against blurring. The motivation to do so would have been to allow the camera in the communication terminal to perform precise blur correction by vibrating the camera as suggested by Ohishi (Col. 2, line 31 – col. 3, line 21).

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9. Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 in view of Ohishi, US Patent 5,634,145 and further in view of McNelley, US Patent 5,550,754.

Regarding claim 50, combined teaching of Britz in view of Ohishi fails to teach that the camera is controllable by a remote communication terminal during a call.

However, McNelley teaches a communication terminal (Fig. 8) comprising a camera (Fig. 8: 102) for teleconferencing wherein said camera is driven to different positions by a motor (Fig. 29: 358) and the position of said camera can be controlled by a remote communication terminal (Fig. 8: 174) by using a keypad or touch-pad (Col. 7, line 66 – col. 8, line 18) on said remote communication terminal (Col. 6, lines 35-58; col. 9, lines 10-25; col. 19, lines 18-67; col. 20, lines 1-53).

Therefore, taking the combined teaching of Britz and Ohishi in view of McNelley as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal taught in Britz and Ohishi by controlling the camera operation by a remote communication terminal during a call. The motivation to do so would help the user to control the camera functions (i.e. panning, tilting and zooming; col. 20, lines 43-54) from a distance away from the camera when performing teleconferencing, so said user would not have to reach the camera at it's location every time a different function is required while performing teleconferencing.

Regarding claim 51, limitations can be found in claim 50.

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10. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britz, US Patent 5,414,444 in view of Ohishi, US Patent 5,634,145 in view of McNelley, US Patent 5,550,754 and further in view of Alperovich, US 6,317,609 B1.

Regarding claim 52, the combined teaching of Britz in view of Ohishi and further in view of McNelley fails to teach that a USSD channel is used for transferring control signals of said camera.

However, Alperovich teaches a system for transporting digital speech and digital pictures (Fig. 4) wherein image data can be transferred between different communication terminals through an USSD (Unstructured Supplementary Service Data) channel (Col. 5, lines 9-29).

Therefore, taking the combined teaching of Britz and Ohishi in view of McNelley and further in view of Alperovich as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal in Britz and Ohishi by sending the images through an USSD (Unstructured Supplementary Service Data) channel. The motivation to do so would enable the communication terminal to have faster two-way transaction with the benefits of having shorter turnaround response times for interactive applications.

Allowable Subject Matter

11. **Claims 53 and 54** are allowed.
12. **Claims 34-49, 56, 57 and 59** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 53, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest a communication terminal provided with a camera module wherein said camera is controllable by a remote communication terminal during a call and wherein said communication terminal is provided with a vibrator driven by a motor, wherein said vibrator turns the communication terminal and the motor includes a shaft on which is mounted an eccentric body comprising the vibrator, which rotates to create vibrations to control the camera.

Britz discloses a communication terminal (Figs. 1 and 2) provided with a camera (Figs. 1: 115 and 2: 115) and a motor (Fig. 9: 901 and 902; fig. 10: 1001) wherein said motor is used to control the camera in said communication terminal (Col. 2, lines 9-39; col. 4, lines 37-57).

Ohishi discloses a camera (See fig. 1) comprising a vibrator (Fig. 1: 18) driven by a motor wherein said vibrator is used to control the camera in said communication terminal and the motor includes a shaft (See motor in fig. 1: 18) on which is mounted an

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eccentric body comprising the vibrator which rotates to create vibrations to control the camera (Col. 8, line 53 – col. 9, line 17; col. 9, line 62 – col. 10, line; col. 13, lines 25-51; col. 15, lines 10-58; col. 18, line 8 – col. 19, line 28).

However, the teaching of Britz and Ohishi, either alone or in combination fails to teach or reasonably suggest that vibrator turns the communication terminal.

Regarding claim 34, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest that the vibrator turns said communication terminal and said camera to enable said camera to take a sequence of pictures in conjunction with limitations in claim 33.

Regarding claim 40, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest that the that the vibrations control movement of a slide cover covering a camera lens in said camera in conjunction with limitations in claim 33.

Regarding claim 56, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest that the vibrations turn said communication terminal when the camera takes pictures in conjunction with limitations in claim 55.

Regarding claim 59, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest that the camera protection is a cover and that said cover is moved between an open and a closed position in relation to said camera in conjunction with limitations in claim 58.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
November 10, 2005



NGOC-YEN VU
PRIMARY EXAMINER